

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/670,712	LUICK, DAVID A.
	Examiner	Art Unit
	Emerson C. Puente	2113

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 9/25/03.
2.  The allowed claim(s) is/are 1-27.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

### *Examiner's Statement of Reason for Allowance*

Claims 1-27 are allowable over the prior art of records.

The following is an Examiner's statement of reasons for the indication of allowable subject matter: Claims 1, 11, 14, and 22 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior arts.

The primary reason for allowance for claim 1 is the inclusion of a swap controller responsive to the error logic to selectively move a first operand to a position of a second operand within the instructions, the position of the second operand being associated with a second port of the ports via the array, to selectively route the first operand and the second operand to the second port depending upon if the first port fails and when execution of at least one of the instructions depends upon transmission of the first operand from the array and a selector coupled with the ports, being responsive to the swap controller to selectively receive the first operand from the first port via a first port path and the first operand from the second port via an alternative port path, to execute the instructions in conjunction with the rest of the limitation set forth in the claim.

The primary reason for allowance for claim 11 is the inclusion of a swap controller responsive to the error logic to selectively route a first phase bit and a second phase bit consecutively to a second port of the ports, depending upon if the first port fails and when execution of an instruction associated with the first phase bit and the second phase bit depends upon transmission of the first phase bit to a memory cell and a selector coupled with the ports,

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being responsive to the swap controller to selectively receive the first phase bit from the first port via a first port path and the first phase bit from the second port via an alternative port path, to execute the instruction in conjunction with the rest of the limitation set forth in the claim.

The primary reason for allowance for claim 14 is the inclusion of a swap controller coupled with the error logic configured to route the instructions through more than one pipelines for parallel execution, select at least one of the instructions and position operands within the at least one of the instructions, and route the first operand to the second port, in response to a failure of the first port as indicated by the error logic and an execution unit coupled with the first port via a first port path and the second port via an alternative port path, wherein the execution unit receives the first operand from the second port via the alternative port path when the first operand is routed to the second port in conjunction with the rest of the limitation set forth in the claim.

The primary reason for allowance for claim 22 is the inclusion of selectively routing a first operand bound for the first port to a second port of the ports in response to detecting the failure of the first port when execution of an instruction associated with the first operand depends upon receipt of the first operand by a first destination unit, transmitting the first operand from the second port to the destination unit via an alternative port path, and transmitting a second operand from the second port to a second destination unit via a second port path in conjunction with the rest of the limitation set forth in the claim.

The remaining claims, not specifically mentioned, are allowed because they are dependent upon one of the claim mentioned above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emerson C. Puente whose telephone number is (571) 272-3652. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ecp

  
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